

BARAFF, KOERNER, OLENDER & HOCHBERG, P.C.

ATTORNEYS AT LAW

5935 WISCONSIN AVENUE, N.W., SUITE 800
WASHINGTON, D.C. 20015-2003

(202) 686-3200

DOCKET FILE COPY ORIGINAL

OF COUNSEL

ROBERT BENNETT LUBIG

FAX: (202) 686-8282

B. JAY BARAFF
ROBERT L. OLENDER
JAMES A. KOERNER
PHILIP R. HOCHBERG
AARON P. SHAINIS
LEE J. PELTZMAN
MARK J. PALCHICK
JAMES E. MEYERS

March 24, 1993

RECEIVED

MAR 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Re: MM Docket No. 93-44

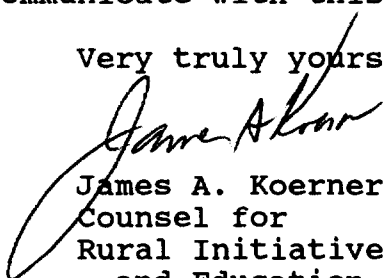
Dear Ms. Searcy:

On behalf of Rural Initiatives for Shelter and Education, there are transmitted herewith an original and five copies of a Petition for Leave to Amend with respect to its application in the above-referenced proceeding.

It should be noted that the Amendment, signed by Sandra Avery, contains a facsimile signature. An original signature will be supplied as soon as it is received by counsel.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
Rural Initiatives for Shelter
and Education

Enclosures

JAK/fb\29108\Searcy3.1tr

No. of Copies rec'd
List A B C D E



Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-44
)	
RURAL INITIATIVES FOR SHELTER)	File No. BPED-870817MC
AND EDUCATION)	
)	
AMERICAN INDIAN BROADCAST)	File No. BPH-870820MB
GROUP)	
)	
For Construction Permit for)	
New FM Station at Hartford,)	
Michigan)	

To: Arthur I. Steinberg
Administrative Law Judge

PETITION FOR LEAVE TO AMEND

Rural Initiatives for Shelter and Education ("Rural") by its attorneys, hereby respectfully requests leave to amend its application, and for acceptance of the Amendment attached hereto. In support hereof, the following is shown:

In the Hearing Designation Order, the Chief, Audio Services Division, noted, at paragraph 5, that Rural had responded in the negative to Item 7 of Section II of FCC Form 340 with respect to pledges of stock. As explained in the attached Amendment, the reason for such response is, quite simply, that the applicant is a non-stock corporation.

The Hearing Designation Order also noted, at paragraph 6, that there was a minor error in describing the height above ground level of the tower. Obviously, the response to Item 9 of Section V-B had the height above mean sea level rather than the height above ground. The attached Amendment corrects that error.

Finally, the Hearing Designation Order, at paragraph 8, required that both applicants supply a statement concerning compliance with current regulations governing human exposure to RF radiation levels. The attached Amendment and its Certification of Engineer comply with that requirement.

Good cause exists for acceptance of the instant amendment in that it is filed in compliance with matters first raised in the Hearing Designation Order.

In view of the foregoing, it is respectfully requested that the instant Petition be granted, and that the Amendment attached hereto be accepted.

Respectfully submitted,

**RURAL INITIATIVES FOR SHELTER
AND EDUCATION**

By: 

James A. Koerner
its Attorney

**BARAFF, KOERNER, OLENDER
& HOCHBERG, P.C.
5335 Wisconsin Ave., N.W.
Washington, D.C. 20015
(202) 686-3200**

JAK/fb\29108\Petition

Federal Communications Commission
Washington, D. C. 20554

Ladies and Gentlemen:

Rural Initiatives for Shelter and Education (RISE) hereby amends its pending application for a Construction Permit for a new FM broadcast station at Hartford, Michigan as follows:

- (1) Section II, Item 7 of FCC Form 340 was answered in the negative. The reasons for such response is that RISE is a non-profit, non-stock corporation. As such, there is no stock which could be pledged as security for loans or contractual performance. All voting rights are with the Board of Directors. However, no voting rights will be assigned if such assignment would require prior approval, until such prior approval has been received.
- (2) Section V-B, Item 9 is corrected to specify overall height above ground of 100 meters.
- (3) Attached hereto is a statement with respect to compliance with the FCC's guidelines for human exposure to radio frequency radiation.

Respectfully submitted,

RURAL INITIATIVES FOR SHELTER
AND EDUCATION

By: Sandra Quirk
Officer

Date: 3-24-93

0519

CERTIFICATION OF ENGINEER

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing an amendment to the technical data for application file number, BPED-870817MC, for a new FM broadcast facility at Hartford, MI.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

March 19, 1993

E. HAROLD MUNN, JR. & ASSOCIATES, INC.

By Wayne S. Reese
Wayne S. Reese, President

100 Airport Drive, P. O. Box 220
Coldwater, Michigan 49036

Telephone: (517) 278-7339

MULTIPLE SOURCES STUDY Cont.

Since there are multiple sources of radiofrequency radiation at the referenced site, special studies have been made to assure that the combined fields of the various signals do not exceed the ANSI Guidelines, as detailed in OST Bulletin No.65.

The calculations used the techniques outlined in the EPA report titled: An Engineering Assessment of the Potential Impact of Federal Radiation Protection Guidance on the AM, FM, and TV Broadcast Services(Gailey & Tell, April, 1985).

In accordance with Section 4.1 of Appendix A of OST Bulletin No.65, the individual limit fractions have been determined, and the results added. The sum of the individual limits does not exceed unity, therefore the facilities will be in full compliance with the Rules of the Commission.

STATION	FIELD	LIMIT	DECIMAL FRACTION
WCSY(FM)	0.017 mW/cm ²	1.00 mW/cm ²	0.017
Prop.FM	0.028 mW/cm ²	1.00 mW/cm ²	0.028
Total			0.045

In the event work would be required on the structure, or on the FM antenna at such a distance from an antenna that the ANSI exposure guidelines would be exceeded, the transmitter power of the facility causing the exposure in excess of the limits will be reduced to the extent required, or that facility will be shut down, during the period in question. An agreement, signed by all parties, to effectuate the required power reductions or cessation of operations by the critical station will be in effect.

The transmitter site is protected by fencing, and locked gates. Proper signs are posted to warn of the potential for exposure to radiofrequency fields.

CERTIFICATE OF SERVICE

I, Frances B. Brock, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, do hereby certify that on this 23rd day of March, 1993, copies of the foregoing document was mailed via United States first class mail to the following:

Arthur I. Steinberg*
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 228
Washington, D.C. 20554

Charles Dziedzic, Esq.*
Federal Communications Commission
Mass Media Bureau
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C.